IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 5286 of 2007()

(CRIME NOT REGISTERED FORT POLICE STATION)

PETITIONER/3RD PARTY:

B.SATHEESH NAIR,
HOUSE NO.134, DHARSANA NAGAR,
PEROORKADA, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE/COMPLAINANT:

1. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.**

2. **THE SUB INSPECTOR OF POLICE, FORT POLICE STATION.**

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

B.A. No. 5286 OF 2007

Dated this the 10th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner apprehends arrest in a crime registered for offences punishable under Secs.468 and 471 of the IPC. The learned Public Prosecutor took the stand that the petitioner has been arrayed as an accused. He has to be interrogated. Only then it can be decided whether the petitioner has to be arrested or not. In view of the stand taken by the learned Public Prosecutor, interim orders were issued and the petitioner was made available for interrogation before the Investigating Officer on three days. The learned Public Prosecutor now submits that the needful in connection with the investigation has been done when the petitioner appeared before the Investigating Officer. Even now a definite decision has not

been taken as to whether the petitioner has to be arrested or not. His specimen signatures have been taken. They are being sent to the expert for examination. Only after getting the report of the expert, a decision can be taken as to whether the petitioner has to be arrested or not. There is no intention to arrest him at present. If the Investigator wants to arrest the petitioner, prior notice shall be given to him, it is submitted.

2. I accept the submissions of the learned Public Prosecutor. In these circumstances, I am satisfied that no directions under Sec.438 of the Cr.P.C. can or need be issued. If the petitioner were required later to be arrested in this crime, the Investigator shall give 7 days' notice in writing to the petitioner. The petitioner shall furnish to the Investigating Officer the address in which the notice to him has to be sent within a period of 7 days from this date.

3. This bail application is, accordingly, dismissed accepting the submissions of the learned Public Prosecutor and with the above observations.

Sd/-

(R. BASANT, JUDGE)

Nan/ //true copy// P.S. to Judge